

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

HOOPA VALLEY TRIBE,

Plaintiff,

v.

UNITED STATES BUREAU OF RECLAMATION; DEBRA ANNE HAALAND, in his official capacity as Secretary of the Interior; MARIA CAMILLE CALIMLIM TOUTON, in her official capacity as Commissioner of the United States Bureau of Reclamation; ERNEST A. CONANT, in his official capacity as U.S. Bureau of Reclamation California-Great Basin Regional Director; and UNITED STATES DEPARTMENT OF THE INTERIOR

Defendants.

Case No. 1:20-cv-01814-JLT-EPG

**FEDERAL DEFENDANTS' MOTION FOR LEAVE TO EXCEED PAGE LIMITS**

Plaintiff, the Hoopa Valley Tribe, filed an Amended Complaint, ECF No. 97, which is 62-pages long and asserts ten complex claims (one with two sub-claims) against the Federal Defendants. These claims touch on multiple statutes – including the Water Infrastructure Improvements for the Nation Act; the Central Valley Project Improvement Act (“CVPIA”); the National Environmental Policy Act; the Administrative Procedure Act; the Reclamation Act of 1902; the Reclamation Act of 1922; the Reclamation Project Act of 1939; the Trinity River Stream Rectification Act; and the Trinity River Basin Fish and Wildlife Management Act. In addition to these statutes, Plaintiff’s Amended Complaint implicates Executive Order No. 12866, Reclamation’s complex procedures for accounting for Central Valley Project and CVPIA costs, and Reclamation’s contracting procedures (as well as issues on contract interpretation). The

Court's standing order currently limits "moving briefs" to 25-pages. *See* <https://www.caed.uscourts.gov/caednew/assets/File/JLT%20StandOrd%2001132022.pdf>.

Given the sheer number of claims brought against the Federal Defendants and the complexity of those claims, the Federal Defendants request forty additional pages for their brief in support of their motion to dismiss. Sixty-five total pages would allow the Federal Defendants to dedicate approximately fifty pages to Plaintiff's ten claims and another fifteen pages for an introduction, background section, basic legal standards, and a conclusion. Having these additional pages will allow the Federal Defendants to give the Court much needed background information and context that should aid the Court in adjudicating these claims. Given the nature of this case and the breadth of Plaintiff's Amended Complaint, the Federal Defendants believe their request is reasonable. *See, e.g., Wickland as Tr. for an Irrevocable Tr. Established Dec. 23, 1974 v. Am. Mountaineer Energy, Inc.*, No. 1:17CV205, 2018 WL 9785390, at \*1 (N.D.W. Va. Dec. 7, 2018) (granting motion to exceed page limits because of the "number and complexity of the remaining claims."); *Jemaneh v. Univ. of Wyoming*, No. 12-CV-02383-RM-MJW, 2014 WL 1908630, at \*1 (D. Colo. May 13, 2014), aff'd, 622 F. App'x 765 (10th Cir. 2015) (holding that the complexity and number of issues in a case justifies granting leave to exceed the standard page limits provided by the Local Rule).

Federal Defendants conferred with Plaintiff and the Hoopa Valley Tribe opposes the relief sought herein. Plaintiff noted that it would not oppose the Federal Defendants being given ten additional pages if it were also given ten additional pages for its response in opposition. Federal Defendants do not believe 35 pages is sufficient to discuss the various reasons Plaintiff's ten claims should be dismissed; however, the Federal Defendants do not oppose the Hoopa

Valley Tribe being given the same amount of pages for its response that the Federal Defendants are given for their opening brief.

For these reasons, the Federal Defendants respectfully request this Court grant their motion for leave to file a memorandum in support of their motion to dismiss that is 65 pages or less.

Dated: January 10, 2023

Respectfully submitted,

TODD KIM  
Assistant Attorney General

/s/ J. Scott Thomas

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 10, 2023, I electronically filed FEDERAL DEFENDANTS' MOTION FOR LEAVE TO EXCEED PAGE LIMITS with the Clerk of Court using the ECF system, which will automatically send email notification to the attorneys of record.

*/s/ J. Scott Thomas*  
JEFFREY SCOTT THOMAS